

City Council Agenda

Council President
Blong Xiong

Councilmembers

Oliver L. Baines III
Lee Brand
Steve Brandau – Acting President

Paul Caprioglio
Clinton J. Olivier
Sal Quintero

City Manager
Mark Scott

City Clerk
Yvonne Spence, CMC

City Attorney
Douglas T. Sloan

The meeting room is accessible to the physically disabled. If you require special assistance to participate in the meeting, notify the Office of the City Clerk at 559-621-7650 at least three business days prior to the meeting. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, contact Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

April 25, 2013

8:30 A.M. ROLL CALL

Invocation by Natalie Chamberlain of the United Christian Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Announcement of the first honorary Fresno Poet Laureate – Mayor's Office

Proclamation of "IBM SMARTER CITIES CHALLENGE DAYS" – Mayor's Office

Proclamation of "CRIME VICTIMS' RIGHTS WEEK" - Councilmember Caprioglio

Presentation of Certificates of Recognition for Automotive Service Blue Seal of Excellence – Transportation Department

The agenda and related staff reports are available on (www.fresno.gov) as well as in the Office of the City Clerk. The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve Council minutes of April 18, 2013

Action Taken:

Councilmember Reports and Comments

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time allows.

A. Acquisition of an abandoned parcel of land with improvements owned by Bayview Loan Servicing, LLC and located at 1333 W. Whites Bridge Ave, Fresno, CA - Airports Department

1. Adopt a finding of Categorical Exemption pursuant to CEQA Guidelines Section 15301 (existing facilities) to authorize the acquisition of land and potential demolition of the existing structures for the purposes of ensuring that a non-compatible use as defined in the Fresno-Chandler Downtown Airport Master and Environments Specific Plan will not occur on the property

Action Taken:

2. Approve acquisition of an abandoned parcel of land with improvements owned by Bayview Loan Servicing, LLC and located at 1333 W. Whites Bridge Ave, Fresno, CA, APN #464-04-017 (Property), in the amount of \$90,000.00, for the purposes of land use protection associated with Fresno Chandler Executive Airport (FCH), and authorize the Director of Aviation to take all and any necessary steps to complete the transaction and close escrow

Action Taken:

B. **RESOLUTION** - Authorizing extending salary differential, City-paid portion of health and welfare contribution benefits and continuing leave accruals for military deployed employees – Personnel Services Department

Action Taken:

C. Actions pertaining to the secondary process operations rehabilitation and vehicle storage canopies (**Property located in District 3**) – Department of Public Utilities

1. Award a \$204,800 consultant services contract to Allred Engineering, sole proprietorship, of Fresno, California, for construction management services during the secondary process operations building rehabilitation and vehicle storage canopies project, located at the Fresno/Clovis Regional Wastewater Reclamation Facility

Action Taken:

2. Authorize the Director of Public Utilities or his designee to sign the contract on behalf of the City

Action Taken:

1. **CONSENT CALENDAR CONTINUED**

- D. Actions pertaining to the sewer replacement and rehabilitation in Ashlan Avenue (*Property located in Districts 1 & 7 and parts of Fresno County*) – Department of Public Utilities
1. Approve the agreement for repair of Fresno County roads for the sewer replacement and rehabilitation in Ashlan Avenue
Action Taken:
 2. Authorize the Director of Public Utilities or his designee to sign the agreement on behalf of the City
Action Taken:
- E. Actions pertaining to water main improvements in E. Clinton Avenue between N. Angus and N. First Streets (*Property located in District 7*) – Department of Public Utilities
1. Adopt finding of Class 2 Categorical Exemption, pursuant to Section 15302(c) of the CEQA Guidelines, for the 14-inch water main improvements in E. Clinton Avenue between N. Angus and N. First Streets
Action Taken:
 2. Award a construction contract to West Valley Construction Inc. of Fresno, CA in the amount of \$319,194.30 for the 14" water main improvements in E. Clinton Avenue between N. Angus and N. First Streets; and authorize the Public Works Director, or his designee, to sign the contract on the City's behalf
Action Taken:
- F. Actions pertaining to the maintenance and support of existing global positioning system/automated vehicle location equipment - Department of Public Utilities
1. **RESOLUTION** - To dispense with the competitive bidding requirement and authorize the Director of Public Utilities or his designee to enter into a sole source contract for maintenance and support of existing global positioning system/automated vehicle location equipment with Radio Satellite Integrators, Inc. and
Action Taken:
 2. Award an amendment to agreement to Radio Satellite Integrator's Inc., in the amount of \$145,044 per year for a five (5) year period for air time and maintenance on the global positioning system/automated vehicle location (GPS/AVL) equipment in City vehicles
Action Taken:
- G. Reject all bids for the Van Ness Avenue overlay from Inyo Street to Railroad Avenue project (*Property located in District 3*) – Public Works Department
Action Taken:
- H. Approve appointment of David Mercer to the Fresno Regional Workforce Investment Board – City Clerk's Office
Action Taken:
- I. **RESOLUTION** - Dedicating certain City-owned property as an easement for public street purposes at Pump Station No. 15B located on the southeast corner of E. Clay Avenue and N. Bond Street (*Property located in District 7*) – Public Works Department
Action Taken:
- J. Approve the acquisition of a public street easement from a portion of one (1) parcel (APN 458-050-18) of property owned by Vernon Hovannisian and Carol Hovannisian, trustees of the Hovannisian Family Revocable Trust and Richard Atamian, in the amount of \$1,000 for the construction of a new street from Hughes/West Diagonal Avenue north of State Route 180 to Marks Avenue and along Hughes Avenue for the installation of traffic signals, street lights, sidewalks, curb and gutter, drive approaches, water lines, sewer lines, and storm drain (*Property located in District 3*) – Public Works Department
Action Taken:
- K. **RESOLUTION** - To authorize the City Manager to enter into a reciprocal agreement between the City of Fresno and the State of California to exchange tax data specific to business license information for tax administration purposes – Finance Department

Action Taken:

CONTESTED CONSENT CALENDAR

2. GENERAL ADMINISTRATION

- A. Award a requirements contract in the annual amount of \$430,000 to BSK Associates to provide testing services for potable and non-potable water samples and authorize the Director of Public Utilities or his designee sign the contract on behalf of the City (**Citywide**) – Department of Public Utilities
Action Taken:
- B. Actions pertaining to installation of 8" water mains in the vicinity of E. Bullard Avenue and N. Millbrook Avenue (**Property located in District 4**) – Public Works Department
1. Adopt Finding of a Categorical Exemption per Staff Determination, pursuant to Class 2 Section 15302(c) (Replacement or Restoration) of the CEQA Guidelines for the installation of 8" water mains in the vicinity of E. Bullard Avenue and N. Millbrook Avenue
Action Taken:
 2. Award a construction contract with West Valley Construction Company, Inc., of Campbell, California in the amount of \$1,433,042.19 for the installation of 8" water mains in the vicinity of E. Bullard Avenue and N. Millbrook Avenue Project and authorize the Public Works Director, or his designee, to sign the contract on the City's behalf
Action Taken:
- C. Actions relating to Measure "C" Funding for the Environmental Review phase of the proposed Fulton Mall reconstruction project: (Public Works and Development and Resource Management Departments)
1. Authorize the Public Works Director or designee to execute a cooperative agreement with the Fresno County Transportation Authority (FCTA)
Action Taken:
 2. Authorize the City Manager or designee to execute a contract with Michael Brandman Associates, not to exceed \$154,810, for the remaining environmental review tasks associated with the Fulton Mall Reconstruction Project
Action Taken:

3. CITY COUNCIL

- A. Appoint two (2) Councilmembers to serve a two (2) year term on the Litigation Exposure Reduction Ad Hoc Committee – Councilmember Brand
Action Taken:

4. CLOSED SESSION

- A. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
1. City of Fresno v. Raps Fresno LLC, et al. (Also known as "Hotel Fresno") Fresno Superior Court Case No. 05CECG01744
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

8:45 A.M. Accept City of Fresno Comprehensive Annual Financial Report (CAFR) for fiscal year 2012 – Finance Department

April 25, 2013

***SUBJECT TO MAYOR'S VETO OR RECONSIDERATION**

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AND MAY BE AMENDED AT ANYTIME

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 10:00 A.M.** **HEARING** to consider appeal of Conditional Use Permit Application No. C-11-153 and Environmental Finding for Environmental Assessment No. C-11-153, northeast corner of E. Butler and S. Maple Avenues (*Property located in District 5*) – Development and Resource Management Department (*Hearing continued – Date and time to be determined*)
Action Taken:
- a. Adopt the finding of a Categorical Exemption for Environmental Assessment No. C-11-153 issued May 9, 2012
Action Taken:
 - b. **RESOLUTION** - To deny the appeal and uphold the Planning Commission's action approving Conditional Use Permit Application No. C-11-153 for two ISO Cargo boxes for use as a recycling center, for 'CRV' materials only, subject to the following condition:
 - 1. Development shall comply with the Development & Resource Management Department's Amended Conditions of Approval dated February 4, 2013
Action Taken:
- 10:15 A.M.** **WORKSHOP** relating to the Update from local California High Speed Rail Association office regarding Fresno section of the HSR Project and update from Caltrans regarding the Realignment of Highway 99 as part of the HSR Project – Council President Xiong

PLEASE NOTE: UNSCHEDULED COMMUNICATIONS IS NOT SCHEDULED FOR A SPECIFIC TIME AND MAY BE HEARD ANY TIME DURING THE MEETING

UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

SCHEDULED COUNCIL HEARINGS AND MATTERS

- May 2 - 10:00 A.M.** **HEARING** to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 9, Annexation No. 4 (Final Parcel Map No. 2008-13) (northwest corner of W. Herndon Avenue and N. Riverside Drive) (*Property located in District 2*)
- May 9 - 8:30 A.M. – COUNCIL MEETING**
May 16 - NO MEETING – RECESS
- May 23 - 10:00 A.M.** **HEARING** to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 9, Annexation No. 4 (Final Parcel Map No. 2006-20) (N. Figarden Drive and N. Gates Avenue) (*Property located in District 2*)
- June 6 - 10:00 A.M.** **HEARING** to adopt resolutions and ordinance amending the annex territory, changing the services and the rate and method of apportionment and setting a new maximum special tax for Community Facilities District No. 11, Annexation No. 31 (Final Tract Map No. 5358) (*Property located in District 2*) (north side of Spruce to the River Bluff, between Riverside and Thiele)
- June 6 - 10:15 A.M.** **HEARING** re: Proposition 218 Water Rates

UPCOMING EMPLOYEE CEREMONIES

April 25, 2013

***SUBJECT TO MAYOR'S VETO OR RECONSIDERATION**

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AND MAY BE AMENDED AT ANYTIME

May 23 - 8:30 A.M. Presentation of P.R.I.D. E. Team Certificates for the spring quarter (***Reception immediately following - 2nd floor foyer***)